IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION No. 170 OF 2005

Murlidhar S. Khangaonkar ... Appellant.

Vs.
Registrar, University
of Mumbai & Ors. ... Respondent

...

Mr. A. H. Palekar for respondent nos. 2 to 4.
Mr. Rodrigues for respondent no.1.

...

CORAM : A. M. KHANWILKAR,J.
DATE : April 3, 2006.

P.C.

. This proceeding emanates from the order dated 4th November 2003 issuing suo-motu contempt notice to the officers of the respondent University and State Government. This matter was listed on 23rd March, 2006, when it transpired that the concerned officers were not present in the Court. Direction was therefore, issued to the Chief Secretary, State of Maharashtra to issue appropriate circular. The learned AGP has brought to my notice the circular issued by the Chief Secretary, under the signature of Chief Secretary, dated 31st March, 2006 , which is consistent with the observations made in the order dated 23rd March, 2006. Besides, the affidavit has been filed by the concerned officers,

tendering unconditional apology for not remaining present in the Court.

2. In so far as merit of this case is concerned, affidavit of Vishwas Jagannath Kulkarni, the Joint Director of Higher Education, Mumbai categorically states that the petitioner has been paid a sum of Rs. 1,78,935/- in September 2005 towards the arrears of pension due to him and further regular pension is being paid to the original petitioner through Thane treasury. It further states that office has computed the amount on account of death cum retirement Gratuity to the original petitioner. The petitioner has received Rs. 24,728/. This has happened on 3rd March, 2006. The fact remains that the claim of the original Writ Petitioner has been settled, as per the direction issued by this court in terms of order dated 23rd November, 2003 in Writ Petition No. 4206 of 1998. In view of the compliance reported by the concerned officers of the State Government, it may be unnecessary to precipitate the matter any further.

3. Shri J. P. Dighe, the Registrar, University of Mumbai is present in the Court. The affidavit

has been tendered on his behalf, which explains the circumstances in which he could not appear in the Court on the last date. Besides, the affidavit explains the procedure regarding the payment to be offered to the incumbent. It is obvious that the role of respondent University is limited to handing over cheque of gratuity amount, after it is released by the officers of the State Government.

4. As the directions contained in the order 4th November, 2003 have been substantially complied with, this proceedings are terminated.

5. Notices issued to respondents stand discharged.

[A. M. KHANWILKAR, J.]